

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

SHAWN HAWK, No. CIV S-04-0731-MCE-CMK-P

Plaintiff,

## ORDER

ALAMEIDA, et al.,

## Defendants.

Plaintiff, a state prisoner [redacted]  
§ 1983. The matter was referred to the [redacted] Court of California local rules.

On April 18, 2007, the magistrate judge filed findings and recommendations herein which were served on the parties and which contained notice that any objections to the findings and recommendations were to be filed within 20 days. Timely objections to the findings and recommendations have been filed.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 72-304, this court has conducted a de novo review of this case. Having carefully reviewed the entire file, the court finds the findings and recommendations to be supported by the record and by

1 proper analysis.

2 Accordingly, IT IS HEREBY ORDERED that:

3 1. The findings and recommendations filed April 18, 2007, are adopted in  
4 full;

5 2. Defendants' motion to dismiss is granted in part and denied in part;

6 3. Defendant Runnels is dismissed from the action;

7 4. Plaintiff's free exercise claim is dismissed with prejudice;

8 5. Plaintiff's retaliation claim is dismissed without prejudice;

9 6. Plaintiff's equal protection claim is dismissed with leave to amend; and

10 7. Within 30 days of the date of this order, plaintiff shall file a fourth

11 amended complaint consistent with the scope outlined in the April 18, 2007, findings and  
12 recommendations.

13  
14 Dated: May 24, 2007

  
15 MORRISON C. ENGLAND, JR.  
16  
17 UNITED STATES DISTRICT JUDGE